



June 3, 2004

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation in WC Docket No. 04-36

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned docketed proceeding of *ex parte* meetings on June 2, and June 3, 2004, by Jonathan Askin, General Counsel to pulver.com. Mr. Askin was accompanied by Lisa Napoli, Senior Reporter with Marketplace Productions. Mr. Askin met on June 2, with Christopher Libertelli and on June 3, with Jeff Carlisle, Michelle Carey, Robb Tanner, Mike Balmoris, Julie Veach, and Russ Hanser. Mr. Askin discussed pulver.com's views on and the Commission's approach to IP-enabled services. The views expressed by Mr. Askin are fully considered in the pulver.com Comments filed on May 28, 2004, in Docket 04-36.

Mr. Askin urged the Commission to stay the course in allowing the IP-based communications industry to develop and flourish free from traditional telecommunications regulation. Echoing the views expressed in the pulver.com comments, Mr. Askin stressed that the Commission, first, does no harm, and, second, lends necessary clarity to the regulatory landscape, so that pulver.com and other IP-based communications companies may proceed and make business decisions with certainty. Every sector of the high tech and communications industries, including capital markets, has been watching to see how rules are set for this potentially explosive technology, one that holds tremendous promise not only for communications innovation, but also for the global economy.

Mr. Askin asked that the Commission not subject IP-based communications to a set of archaic regulations that were designed and kluged together over the years to patch together a disparate array of technologies and services. In particular, Mr. Askin suggested that the Commission resolve the lingering intercarrier compensation and universal service proceedings, particularly to ensure that IP-based communications providers are not dragged into existing regulatory schemes that so desperately need to be reformed. Mr. Askin suggested that the Commission adopt a relatively simple "regulation matrix" that would allow providers, both telecommunications carriers and

application service providers (“ASPs”), as well as regulators and consumers, to know, with certainty, whether and to what extent regulation applies to particular IP-based networks, services and applications. Under this structure, providers could largely self-select how they should or should not be regulated depending on whether they wanted the rights, but also the responsibilities of telecommunications carriers. The primary objective for regulators, consumer advocates, and the judiciary would be to ensure that providers do not misinform consumers and cannot exert excessive, anti-competitive market power.

pulver.com believes that the IP-based communications industry needs to think creatively about how to protect consumers in a new communications environment. pulver.com and many members of the IP-based communications community are committed to achieving these very same goals through industry-based solutions that do not unnecessarily subject industry to regulatory and other governmental intrusion. To that end, in fact, pulver.com has established the Global IP Alliance, an international organization committed to advancing IP-based communications and resolving the commercial, technical, operational and social issues confronting the world-wide IP communications community.

If you have any questions about this matter, please contact me at 631-961-1049.

Respectfully submitted,

/s/

Jonathan Askin

FROM THE DESK OF

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